

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. original Application No. 67106  
2. Misc Petition No. \_\_\_\_\_  
3. Contempt Petition No. \_\_\_\_\_  
4. Review Application No. \_\_\_\_\_

Respondants 6.0.1 Tommy

Respondants \_\_\_\_\_  
Advocate for the Applicant(s)... S. C. Sharma, A. Sayed, R. Dhar  
Mr. M. Das.

Advocate for the Respondant(S).....Railway Counsel.....

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposit.</p> <p>No. 26.9.320578</p> <p>Dated 10-3-06</p> <p><i>16.3.06</i> Dy. Registrar</p> <p><i>Steps taken with envelopes.</i></p> <p><i>seen 16/3</i></p> <p><i>0.3.06</i></p> <p>Copy of the Judgment has been sent to the Secy. for issuing the order. The application as well as the reply, should be sent for the response.</p>	<p>16.03.2006</p> <p>mb</p>	<p>Heard learned counsel for the parties. The application is disposed of in terms of the order passed in separate sheets. No order as to costs.</p> <p><i>[Signature]</i> Vice-Chairman</p>

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

.....

67 OF 2006

O.A. No. ....

16.03.2006

DATE OF DECISION .....

Sri Nikhil Ch. Singha Roy

Applicant/s

Mr. S.C. Biswas, Mr. A. Sayed, Mr. R. Dhar and Ms. M. Das.

Advocate for the  
Applicant/s.

Versus -

Union of India & Others

Respondent/s

Dr. J.L. Sarkar, Railway Standing Counsel.

Advocate for the  
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN.  
THE HON'BLE

- |    |   |        |
|----|---|--------|
| 1. | Whether reporters of local newspapers may be allowed to see the Judgment ?            | Yes/No |
| 2. | Whether to be referred to the Reporter or not ?                                       | Yes/No |
| 3. | Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench ? | Yes/No |
| 4. | Whether their Lordships wish to see the fair copy of the Judgment ?                   | Yes/No |

  
Vice-Chairman(J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 67 of 2006.

Date of Order: This the 16th day of March 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Sri Nikhil Ch. Singha Roy,  
S/o Lt. Sachi Singha Roy,  
Resident of : Pradhan Nagar,  
Ashapurna Road,  
P.O. Pradhan Nagar  
District - Darjeeling (West Bengal).

... Applicant.

By Advocates Mr. S.C. Biswas, Mr. A. Sayed, Mr. R. Dhar and Ms.  
M. Das.

- Versus -

1. The Union of India,  
Ministry of Railway, represented by its Chairman,  
Railway Board, Rail Bhawan, New Delhi.
2. The Chief General Manager,  
N.F. Railway, Maligaon,  
Guwahati - 11.
3. The Senior Divisional Mechanical Engineer,  
N.F. Railway,  
Katihar.
4. The Divisional Mechanical Engineer,  
N.F. Railway,  
New Jalpaiguri.

... Respondents.

By Advocate Dr. J.L. Sarkar, Railway Standing Counsel.

.....

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**ORDER (ORAL)****K.V. SACHIDANANDAN, (V.C.)**

The applicant entered the service under the N.F. Railway in the year 1963 and while the applicant was working as MCM(APO), his services were removed vide Order No. M/BG/EA/NJP/2004 (NCSR) dated 26.05.2005, which according to him was without giving reasonable opportunity just before 5 days of retirement. The applicant has filed an appeal dated 28.06.2005 (Annexure - IX) before the Competent Authority, which is yet to be replied or considered. Aggrieved by the said inaction, the applicant has filed this application seeking the following reliefs: -

"In the premises aforesaid it is therefore respectfully prayed Your Lordships may be pleased to admit this application, call for the records, issue Rule calling upon the Respondents to show cause as to why the impugned order No. M/BG/EA/NJP/2004 (NCSR) dated 26.05.2005 should not be set aside and quashed and as to why direction shall not be, directing the Respondent till regularise the period of absent from 24.6.04 to 14.9.04 for the purpose of pension and other retirement benefit and also direct the Respondent to release the gratuity, provisional pension, GPF and other service benefit and upon cause or causes being shown make the Rule absolute and/or pass such other order or orders as your Lordships may deem fit and proper

- AND -

Pending disposal of the application Your Lordships may be pleased to direct the respondent to pay G.P.F./G.I.S. amount to the applicant which has been deducted from his salary."

2. I have heard Ms. M. Das, learned counsel for the applicant and Dr. J.L. Sarkar, learned standing counsel for the Railways.

3. Counsel for the applicant submits that the applicant will be satisfied if a direction is given to the Appellate Authority to consider and dispose of the appeal dated 28.06.2005 within a time frame. Counsel for the respondents also submits that it will meet ends of justice.

4. Recording the said submissions of the learned counsel for the parties, I am of the view that such recourse will grant some relief to the applicant. Therefore, this Tribunal directs the Appellate Authority, the Respondent No. 3 to consider and dispose of the said appeal dated 28.06.2005 within a period of three months from the date of receipt of this order. I also direct the respondents to give personal hearing to the applicant, if so opted by the applicant and pass a speaking order.

The O.A. is disposed of at the admission stage itself. In the circumstances, no order as to costs.

Counsel for the applicant will produce copy of the O.A., copy of this order and any other documents <sup>✓ available</sup> within ten days from today.



( K. V. SACHIDANANDAN )  
VICE CHAIRMAN

/mb/

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

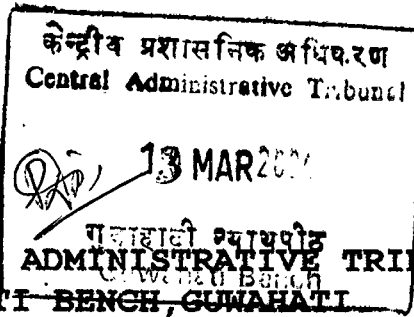
Original Application No. 67/06

1. a) Name of the Applicant: N. C. Singha Roy  
b) Respondants: Union of India & Ors.  
c) No. of Applicant(S): -
2. Is the application is the proper form: Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed : Yes / No.
7. Whether all the annexure parties are impleaded :- Yes / No.
8. Whether English translation of documents in the Language: Yes / No.
9. Has the application is in time :- Yes / No.
10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed: Yes / No.
11. Is the application by IPC/BD/for Rs.50/- 266320598
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed: Yes / No.
14. Has the legible copies of the annexurea duly attested filed: Yes / No.
15. Has the Index of the documents been filed all available :- Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed: Yes / No.
17. Has the declaration as required by item 17 of the form: Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is case of Condonation of delay is filed is it Supported :- Yes / No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other point :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:  
The application is in order.

SECTION OFFICER(J)

16.3.06  
DEPUTY REGISTRAR

16/3/06  
NJP



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH, GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 67/06

**BETWEEN**

Sri. Nikhil Ch. Singha Roy

..... APPLICANT

**-VERSUS-**

The Union of India & Others.

..... RESPONDENTS.

**LIST OF DATES AND SYNOPSIS:**

<u>Annexure-I.</u>	Memorandum along with article of charges dated 20.09.2004.
<u>ANNEXURE-II.</u>	Letter dated 26.8.2004.
<u>ANNEXURE-III</u>	Letter dated 13.9.2004.
<u>ANNEXURE-IV</u>	Medical Certificate dated
<u>ANNEXURE-V</u>	Reply of the applicant dtd.10.11.04
<u>ANNEXURE-VI</u>	Letter dated 23.12.04
<u>ANNEXURE-VII</u>	Letter dated 18.2.04.
<u>ANNEXURE-VIII</u>	Impugned dated 26.5.05
<u>ANNEXURE-IX</u>	Copy of the appeal dtd.28.6.05
<u>ANNEXURE-X</u>	Remainder Letter dated 5.11.05
<u>ANNEXURE-XI</u>	Advocate's Notice Letter dtd.

**SYNOPSIS:**

That the applicant is a heart patient and from 24.6.04 to 14.9.04 he was in series condition and was treated under a Doctor. So he to be treated as on duty from said period because the applicant reported to the authority of C & W/SGEG for the sick and fit certificate from doctor on 26.08.04 so the period mentioned above does not arise as an unauthorise absent as alleged by Respondent No. 4. Without giving any reasonable opportunity, the applicant was removed from the service vide order No.M/BG/EA/NJP/2004 (NCSR) dated 26.5.05 Annexure-VIII) just before the five days of his retirement by the Respondent No. 4 with an ill motive.

Thereafter on 28.6.05 the applicant preferred an appeal before the appellate authority (Respondent No. 3) but more than six month has elapsed but no action whatsoever has taken by the said Respondent. So the applicant file this case before this Hon'ble Court for the ends of justice.

Filed by

A. Sayed.

Advocate 10/3/06.

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Filed by The petitioner  
through  
Adv. Sayed. Advocate  
10-3-06.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
GUWAHATI BENCH, GUWAHATI.**

(An application under section 19 of the Central  
Administrative Tribunal Act, 1985)

**ORIGINAL APPLICATION NO. 67 /06**

**BETWEEN**

Sri. Nikhil Ch. Singha Roy  
S/O. Lt. Sachi Singha Roy  
Resident of : Pradhan Nagar,  
Ashapurna Road,  
P.O. Pradhan Nagar,  
District-Darjeeling (West Bengal).

..... **APPLICANT**

**-AND-**

1. The Union of India, Ministry  
of Railway, <sup>represented by its chairman, Rly Board,</sup> Rail Bhawan, New  
Delhi.
2. The Chief General Manager  
N.F. Railway, Maligaon, Guwahati-11.
3. The Senior Divisional  
Mechanical Engineer, N.F. Railway,  
Katihar.
4. The Divisional Mechanical  
Engineer, N.F. Railway, New  
Jalpaiguri.

..... **RESPONDENTS.**

**DETAILS OF THE APPLICATION**  
**PARTICULARS OF THE ORDER AGAINST WHICH THE**  
**APPLICATION IS MADE:**

The application is presented against Memorandum No.M/BG/EA/NJP/2004 (NCR) (Annexure-I) dtd.20.09.04 issued by the Respondent No.4.. (Divisional Mechanical Engineer, Administration) N.F.Railway, New Jalpaiguri and impugned removal order No. M/BG/EA/NJP/2004 (NCSR) (Annexure-VIII) dated 26.05.2005 issued by the Respondent No.3.

**2. JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

**3. LIMITATION :**

The applicant further declares that the subject of the application is within the limitation prescribed under section 21 of the Administrative Tribunal Act, 1985.

**4. FACTS OF THE CASE:**

Facts of the case in brief are given below :

4.1) That the applicant is a citizen of India and a permanent of resident of the above mentioned locality and as such he is entitled to all the rights and privileges guaranteed under the Constitution of India and the laws framed there under.

N. Singh

4.2) That the applicant on 19.5.1963 entered the service under N.F. Railway 1963 entered the service under N.F. Railway as G-IV (Khalasi). The applicant from the date initial appointment has been discharging his duty with the satisfaction of the Superior Authority and regarding his sincerity, dedication and devotion towards performance of his official duty here never came under question.

It may be pertinent to mentioned here that due to heavy work load and strainous work scheduled the applicant slowly develop ailment and consequently develop heart disease.

4.3) That the applicant's integrity with regard to discharge his official duties, his ACRs/Drocisser were upto the mark and there was no adverse remark whatsoever in this long span of service carrier. During the course of his service period was adjudged with 3 times promotional). His efficiency did not come own his way with regard to above promotion and as a discipline employee, the applicant was discharge his official duties to the outmost satisfaction of all concerned. He was never been found of dereliction of duties.

4.4) That the applicant<sup>was</sup> surprised to note on receipt of the memorandum vide issued vide No.M/EA/NJP/2004/(NCR) dated 20.9.2004 issued by the Divisional Mechanical Engineer N.F. Railway, New Jalpaiguri. By the said memorandum it was informed to the applicant that the President of Railway Board proposed to hold ~~on the~~ enquiry against the applicant under Rule 9 of Railway servant (D & A)

Rule 1968 against the *imputation* of misconduct or misbehaviour. The applicant was also supplied with Article of charges along with list of documents to be relied on during the course of enquiry.

The Article of charge was "that the said Sri Nichil Ch.Singh Roy while functioning as MCM (APO) /SGUJ) during the period was found unauthorized absent from duty w.e.f. 24.06.04 to 14.09.2004.

Copy of the memorandum along with article of charges dated 20.09.2004 refer to above is annexed herewith and marked as ANNEXURE-I.

4.5) That the applicant was served with a letter vide No.LEAVE/C&W/SGUJ/04 dated 26.08.2004 by which the Sr. Section Engineer/In-charge C & W Siliguri N.F.Railway addressed to Divisional Mechanical Engineer (DME) N.F. Railway New Jalpaiguri informed that the applicant was absenting unauthorisely without any intimation from 24.06.2004 to 14.09.2004. The applicant appeared before the concerned authority with one periodical medical certificate (PMC) of Siliguri. The case of the applicant was referred to Divisional Mechanical Engineer, N.F.Railway, New Jalpaguri, for disposal and allowing him to resume his duty.

A copy of the letter dated 26.08.04 is annexed herewith and marked as ANNEXURE-II.

4.6) That the Sr.Section Engineer/In-charge (C & W) Siliguri N.F.Railway issued a letter vide

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LEAVE/C&W/Divisional Mechanical Engineer (DME)  
N.F.Railway, New Jalpaiguri informed the letter  
that as per instruction the applicant directed to  
Sr.DMO/SGUJ for obtaining DFC by letter dated  
11.9.04. The DFC dated 11.9.04 issued by the Sr.  
DMO/SGUJ was obtained by which it was directed to  
allow the applicant to resume his duties.

A copy of the letter dated 13.9.04  
is annexed herewith and marked as  
**ANNEXURE-III.**

4.7) That the applicant begs to state that he has  
been referred to Sr.DMO/SGUJ for obtaining DFC. The  
applicant was explained and thereafter the  
concerned authority were directed to allow the  
applicant for resume his duties. On being found him  
medically fit after long ailment.

4.8) That the applicant begs to state that the  
applicant with regard to his ailment has time and  
again informed the concerned authorities, even by  
sending his son to apprise the concerned authority.  
This step was taken by the applicant owing to the  
facts that this written intimation regarding his  
sickness was not deliverable acknowledged by Sr.  
Section Engineer/in-charge (C & W). The applicant  
while informing the concerned authority from time  
to time enclosed all the medical certificate for  
their ready reference and taking necessary action  
thereof.

Copy of the medical certificate is  
annexed herewith and marked as  
**ANNEXURE-IV .**

N. Singh

4.9) That as stated in earlier paragraph regarding receipt of the Memorandum along with Article of charges dtd. 20.09.2004, which was shocking and surprise, the applicant submitted his written reply to the Divisional Mechanical Engineer (DME) N.F. Railway, New Jalpaiguri against said memorandum. The applicant by his reply stated at length the difficulties faced<sup>by</sup> him and his suffering with regard to his heart diseases. It was informed<sup>by</sup> the applicant on 24.06.2004, when he was feeling severe chest pain to this local office but the officer in charge i.e. Sr. Section Engineer (C&W) refused to accept the information which was conveyed to him through a messenger. Due to his serious attack the applicant had to consult the private medical practitioner and was under treatment from 24.06.2004 to 25.08.2004 and thereafter on 26.08.2004 the applicant appeared before the concerned authority with necessary medical certificate to resume his duties. On 26.08.2004 itself PMC was sent to the DMC/NJP by ~~Order~~ dated 26.8.04. The applicant was allowed to resume his duties from 15.09.2004 on the advised of SSE/1/C & W/SGUJ dated 10.9.2004. The applicant in view of the above categorically denied the article of charges and prayed for regularization of period of absent from 24.06.2004 to 14.09.2004 as on duty.

A copy of the reply of the applicant dated 10.11.04 is annexed and marked as ANNEXURE-V.

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4.10) That the Divisional Mechanical Engineer (DME) N.F. Railway New Jalpaiguri by order No. M/BG/ EA/ NJP/2004/ (NCSR) dated 18.11.04 appointed one Sri. S.S. Bardhan, (S.L.I.) NJP as enquiry officer to enquiry against the charges levelled against the applicant.

4.11) That after appointment of the enquiry officer the applicant by letter dated 23.12.04 informed the concerned authority that he has failed to understand as to what ~~are~~ the charges leveled against him. It was further informed that ~~the~~ bare reading of article of charges i.e. Article-I, II, III as well as Annexure I, II, III, IV the applicant failed to understand as there was no specific indication ~~to~~ the charges nor there was imputation of charges. It was obligatory duties of the Respondent authority to make ~~access~~ with charges documents to be relied upon during the course of enquiry. In absent of such documents as well as the specific charges to which a delinquent has been charged with. Here in the instant case it is apparent on the face of records regarding absent of above documents.

A copy of the letter of applicant dated 23.12.04 is annexed herewith and marked as ANNEXURE-VI.

4.12.) That the applicant begs to state that the enquiry officer by letter dated 17.2.05 informed the applicant for furnish his defence counsel but the applicant expressed his inability to submit his defence counsel unless and until he is made handy

with the relevant document as well as specific articles of charges which was issued vide Memorandum dated 20.09.04 (Annexure-I hereto). In spite of such request the concerned authority as well as the enquiry officer did not paid any heed to the request and deliberately and willfully remained silent over the matter for long time and as such the action of the Respondent Authorities suffers from illegality and thus violates the canons of principles of natural justice.

A copy of the letter dated 18.2.05 made by the applicant is annexed and marked as ANNEXURE-VII.

4.13) That the applicant begs to state that towards this request in regards to the supply of documents and specific mentioned of Article of charges did not came forth as a result of which the applicant precluded from referring the name of defence counsel, defence witness, reliance of defence documents etc. This has resulted in series prejudice to the applicant.

4.14) That the applicant begs to state that one <sup>fine</sup> ~~time~~ morning the Respondent Authority by order No.M/BG/EA/NJP/2004 (NCSR) dated 26.5.05 removed the applicant from the service w.e.f. 27.05.2005 against the alleged charges of unauthorized absent from duties w.e.f. 24.06.2004 to 14.09.2004.

A copy of the impugned order dated 26.05.2005 is annexed and marked as ANNEXURE-VIII.

4.15) That the against the impugned order dated 26.05.2005 the applicant preferred an appeal before the Sr. Divisional Mechanical Engineer N.F.Railway Katihar stating interalia the entire facts and circumstances against which the applicant was stopped from attending his duties during the period from 24.6.2004 to 14.9.2004. The applicant has also high lighted different aspect regarding the procedural lapses that has been done by authorities in conducting departmental enquiry.

A copy of the appeal dtd.28.6.05 is annexed and as **Annexure-IX**

4.16) That appeal dated 28.6.05 was pending before the Respondent No.3 (Appellate Authority) for disposal. Since the Respondent No.3 was silent over the matter the applicant submitted reminder on 5.11.05 for taking necessary action to the appeal by him on 26.5.05 against the removal order dated 26.5.05. Despite filling the remainder the appellate authority is silent till date in disposing the appeal. It is the general principles of law preferring of appeal against the order of major punishment is statutory right and it is boundant on the authority to take necessary step to disposed of such appeal preferably within a period of 6 month but more than 6 months has elapsed but no action whatsoever has been taken by the said Respondent, the reason best know to him.

A copy of the remainder letter dated 5.11.05 is annexed and marked as **ANNEXURE-X.**

4.17) That failing generate any response in regards to disposal of the appeal ~~disposal of the appeal~~ dated 28.6.05 the applicant despatched an Advocate notice before Respondent Authority to take necessary action in considering reinstate<sup>ment</sup> of the applicant in service for the purpose of pension and other retired benefit. The Advocate's notice has also failed to evoke any response and a result of which the applicant is suffering immensely without any fault on his part.

A copy of the said Advocate Notice dated 9-2-06 is annexed herewith and marked as ANNEXURE-XI

4.18) That the Respondent Authority due to some previous grudge the entire episode was hatched up by the Respondent No.3 & 4. The information supplied by the applicant through messenger regarding his sickness was not accepted which the applicant came to know on 26.8.2004. Prior to that the applicant was of the bonafide believe that information regarding his sickness has been conveyed to the authorities. But the facts remains, is that though the authorities got the information regarding his sickness but some was official not accepted for the personal grudge.

4.19) That the Applicant demanded justice and the same has been denied to him.

4.20) That this application has been filed bonafide to secure the ends of justice.

5) GROUND FOR RELIEF WITH LEGAL PROVISION:

1. For that the disciplinary Authority has failed to applied its mind and mechanically passed the impugned removal order dated 26.5.2005 as such same is liable to be set aside and quashed.
2. For that the enquiry officer was duty bound as per DAR 1968 to advised the delinquent to appear before him with a period of 10 days from the date appointment as enquiry officer. The enquiry officer (EO) also required to allow the delinquent, the copies of the documents and submission of defence counsel within a period of 30 days and thereafter on making documents available to the delinquent fixed the date for the enquiry proceeding. The Enquiry Officer has failed to act in accordance with the rule. Thus the entire proceeding has been vitiated and thus enquiry report if any and the impugned order is liable to be struck down.
3. For that there can not be a ex-parte decision when the delinquent or changed official has co-operated with the enquiry and thereby submitted his defence statement to the memorandum as well as sought for documents/Annexures to be relied upon by the Enquiry Officer during the course of enquiry. But the instance case neither the Enquiry Officer supplied with the documents /Annexures nor he could suggest name for defence counsel as a result the applicant was not in a position to defend his case before

the Enquiry officer. The Enquiry Officer having regards to the facts has conducted enquiry ex-party which has caused series prejudice to the applicant and thus violate the provision of principles of natural justice as well as article 311(2) of the Constitution of India.

4. For that the Enquiry Officer has made gross error both in law as well as in facts in going ahead with the enquiry proceeding ex-parte and as such the impugned order dated can not stand on its footings.
5. For that the Disciplinary Authority ought to have taken cognigence before the passing the impugned order, removal which has been passed 5 day ahead of the applicants retirement from his service on attaining the age of superannuation and as such it is crystal clear that the Respondent Authority were biased and were pre-determined to punish the applicant. Accordingly, the impugned order is devoid of merit and liable to be quashed.
6. For that the Disciplinary Authority ought to have been applied its proper mind before passing the impugned order due to the facts date the applicant duly co-operated with the of enquiry proceeding by submitting his defence statement request for appoint of defence counsel etc. that being the position the D/A ought to have appr<sup>is</sup>iated ~~that~~ the applicant ~~was~~ <sup>was</sup> ready to co-operate, the enquiry proceeding and

the ex-parte decision of enquiry officer is uncalled for and thus same is ought to have been rejected<sup>in</sup>lemine.

7. For that the Disciplinary Authority has made error in law while passing the impugned order removal that Rule 9(9)(B), Rule-9(23) of Railway Discipline and Appeal Rule 1968 very ambiguous that the Disciplinary Authority must informed the delinquent/changed officer about the enquiry proceeding conducted by the Enquiry Officer ex-parte but the instant case noting has been informed which clearly violate the free and fair enquiry and enbasized in article 311(2) of the constitution of India and as such the on this court along impugned order is liable to be set aside and quashed.
8. For that the Disciplinary Authority ought not to have passed such harass penalty of removal only 5 days ahead of the applicant's retirement of attaining the age of superannuation that clearly indicate malafide intention and arbitrariness respondent authority to deny the applicant of his pension and other survive benefit and as such the impugned order liable to be strucked down on being devoied of merit.
9. For that the appellate authority has also shown its also its displeasure to the applicant in not disposing of the appeal filed by him on the ground of procedure lapses and principles of natural justice.

N. Singh

10. For that the impugned order dated 26.5.05 ~~ex facie~~ illegal and thus ~~liable~~ to be set aside and quashed.

11. For that, the action of the Respondents is not maintainable in the eye of law.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6. **Details of Remedies Exhausted:**

That there is no alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunal Act, 1985.

7. **Matters not previously filed for pending in any other court:**

That the Applicant further declares that he has not filed any application, with petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8. **Relief sought for:**

in the premises aforesaid it is therefore prayed Your Lordships may be pleased to admit this application, call for the records,

N. Singh

issue Rule calling upon the Respondents to show cause as to why the impugned order No.M/BG/EA/NJP/2004 (NCSR) dated 26.5.05 should not be set aside and quashed and as to why direction shall not be, directing the Respondent till regularize the period of absent from 24.6.04 to 14.9.04 for the purpose of pension and other retirement benefit and also direct the Respondent to release the gratuity, provisional pension, GPF and other service benefit and upon cause or causes being shown make the Rule absolute and/or pass such other order or orders as your Lordships may deem fit and proper.

-AND-

Pending disposal of the application Your Lordships may be pleased to direct the respondent to pay G.P.F./G.I.S. amount to the applicant which has been deducted from his salary.

And for this act of kindness the petitioner as in duty bound shall ever pray.

W. Singh

## VERIFICATION

I, Sri. Nikhil Ch.Singha Roy, S/O. Lt.Sachi Singha Roy, Resident of : Pradhan Nagar, Ashapurna Road, P.O. Pradhan Nagar, District-Darjeeling (West Bengal).in the District of Kokrajhar (Assam) do hereby solemnly verify that the statements made in Paragraph Nos. ~~4/~~, ~~to 4.2, 4.10, 4.13, 4.18,~~.....are true to my knowledge, those made in Paragraphs Nos. ~~4.4, 4.5, 4.6, 4.8, 4.7, 4.11, 4.12, 4.14,~~<sup>4</sup> are being matters of records which are true to my information derived there from which I believe to be true and those made in paragraph- ..... are true to my legal advice and rests are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this affidavit on this 10<sup>th</sup> day of  
March, 2006 at Guwahati.

Identified by

notul ch spafkoj

D E P O N E N T

Advocate's Clerk.



Annexure NO-I  
Northeast Frontier Railway

Standard Form No: 5

Standard Form of Charge Sheet  
Rule 9 of the Railway Servant.  
(Discipline and Appeal Rules, 1968)

No: M/BG/EA/NJP/2004 (NCR)

Dated: 20/09/2004.

Divisional Mechanical Engineer (Name of the Railway Administration)

Place of Issue: New Jalpaiguri

Dated: 20/09/2004.

### M E M O R A N D U M

The President / Railway Board / Undersigned propose (s) to hold an enquiry against Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ under Rule 9 of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed a statement or articles of charges (Annexure - II). A statement of the imputations of misconducts or misbehavior in support of each article of charges is enclosed (Annexure - II). A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure - III & IV). Further copies of the documents mentioned in the list of documents as per Annexure - III are enclosed.

2. Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is hereby informed that he so desires he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure - III) at any time during the office hrs. within 10 (Ten) days receipt of this Memorandum.

3. Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is further informed that he may, if he so desires, take assistance of another Railway Servant and of Railway Trade Union (Who) satisfies the requirement of Rule 9 (13) of the Railway Servant (Discipline and Appeal) Rules, 1968 and Note - 1 and or 2 there under as the case may be for inspecting the documents and assisting him in representing enquiry his case before the Inquiry Authority in the event of an oral inquiry being held. For this purpose he should nominate one or more person order of preference. Before nominating the assisting Railway Servant(s) or Railway Trade Union Official(s) Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ should obtain an understanding from the nominee(s) that he/they/is/are willing to assist him during the Disciplinary proceedings. The undertaking should also contain particular cases(s) if any, in which the nominee(s) had already undertaken to assist and the undertaking, were furnished to the undersigned along with the nomination.

4. Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is hereby directed to submit to the undersigned a written statement of his defense within 10 (Ten) days of receipt of this Memorandum, if he dose not require to inspect any documents for the preparation of his defense and within 10 (Ten) days after completion of inspection of documents, if he desires to inspect documents and also (a) to state whether he wishes to be heard in person and (b) to furnish the name and address of the witnesses if any whom he wishes to call in support of his defense.

5. Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specially admit or deny each article of charges.

ed on 01-11-04  
mesg RB

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certified to be  
True copy.

Adv.

6. Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is further informed that if he does not submit his written statement of defense within the period specified in Para - 2 or does not appearing person before the Enquiry Authority or otherwise fails or refused to comply with the provision of Rule 9 of the Railway Servant (Discipline and Appeal) Rule, 1968 or the order / directions issued in pursuance of the said Rule, the Enquiry Authority may hold the inquiry ex-parte.

7. The attention of Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is invited to Rule 20 of the Railway Service (Conduct) Rules, 1968, under which no Railway Servant shall bring or attempt to bring Political or other influence to bear upon any superior Authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Railway Service (Conduct) Rules, 1968.

8. The receipt of this Memorandum may be acknowledged.

Enclosures:

1. SSE (IC)/C&W/SGUJ's letter No: Leave/C&W/SGUJ/2004.  
Dated: 26/08/2004.
2. SSE (IC)/C&W/SGUJ's letter No: Leave/C&W/SGUJ/2004.  
Dated: 13/09/2004.

(Signature)

Bimal Topno (DME/NJP)  
Name and Designation of the  
Competent Authority

Copy to:

1. Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ under SSE (IC)/C&W/SGUJ.
2. DRM (M)/KIR
3. DRM (P)/KIR for kind information please.
4. APO/NJP for information please.
5. SSE (IC)/C&W/SGUJ for information please.

  
DME/NJP

ANNEXURE - I

Statement of article of charges framed against **Shri Nikhil Chandra Singha Roy** while functioning as **MCM (APO)/SGUJ** (Name and Designation of the Railway Servant).

**Article - I**

That the said **Shri Nikhil Chandra Singha Roy** while functioning as **MCM (APO)/SGUJ** during the period \_\_\_\_\_ (here enter definite and distinct article of charges).

**Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ** was found unauthorized absent from duty w.e.f 24/06/2004 to 14/09/2004.

By this act, in remaining unauthorized absent from duty has shown gross negligence of duty which is unbecoming of a Government servant and tantamount misconduct of contravened of **Service Conduct Rules, 3.1 (ii) and (iii) of 1968**.

  
DME/NJP

**Article - II**

That during the aforesaid period and while functioning in the aforesaid office the said **Shri Nikhil Chandra Singha Roy** (here enter definite and distinct article of charges).


- Nil -

  
DME/NJP

**Article - III**

That during the aforesaid period and while functioning in the aforesaid office the said **Shri Nikhil Chandra Singha Roy** (here enter definite and distinct article of charges).

- Nil -

  
DME/NJP

ANNEXURE - II

Statement of imputation of misconduct or misbehavior in support of the Article of charges framed against **Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ** (Name and Designation of the Railway Servant).

**Article - I**

That the said **Shri Nikhil Chandra Singha Roy** while functioning as **MCM (APO)/SGUJ** during the period \_\_\_\_\_ (here enter definite and distinct article of charges).

**Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ** was found unauthorized absent from duty w.e.f 24/06/2004 to 14/09/2004.

By this act, in remaining unauthorized absent from duty has shown gross negligence of duty which is unbecoming of a Government servant and tantamount misconduct of contravened of **Service Conduct Rules, 3.1 (ii) and (iii) of 1968**.

  
DME/NJP

**Article - II**

That during the aforesaid period and while functioning in the aforesaid office the said **Shri Nikhil Chandra Singha Roy** (here enter definite and distinct article of charges).

- Nil -

  
DME/NJP

**Article - III**

That during the aforesaid period and while functioning in the aforesaid office the said **Shri Nikhil Chandra Singha Roy** (here enter definite and distinct article of charges).

- Nil -

  
DME/NJP

ANNEXURE - III

List of documents by which the Article of Charges framed against Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ (Name and Designation of the Railway Servant) are proposed to be sustained.

Enclosures:

1. SSE (IC)/C&W/SGUJ's letter No: Leave/C&W/SGUJ/2004.  
Dated: 26/08/2004.
2. SSE (IC)/C&W/SGUJ's letter No: Leave/C&W/SGUJ/2004.  
Dated: 13/09/2004.

  
DME/NJP

ANNEXURE - IV

List of the witnesses by whom the Article of charges framed against Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ (Name and Designation of the Railway Servant) are proposed to be sustained.

-SSE (IC)/C&W/SGUJ-

  
DME/NJP

Annexure-II

(Type Copy)

N.F.Railway  
No. Leave/C&W/SGW/04  
From: SSE/IC/C&W/SGUI  
N.F. Rly.

N.F.-G.40A  
Dated: 26.8.2004  
To DME/NJP  
N.F.Rly.

Sub: Shri Nikhil Ch. Singha Roy, mcm, (APO)

Ref: Under SSE/C & W/SGUJ

The above named staff has been absenting unauthorisely without any intimation to this office from 24.6.2004 to 25.8.2004. Prior to this long absent, he also was in habit of absent without intimation for 2/3 occasion against periodically regarding his absence.

Suddenly he appeared before MC with one PMC of Siliguri along with one statement on 26.8.2005 whereas Rly./Health unit is nearer to his residence, in view of resume duty.

So his case is hereby sent for your disposal along with his statement & PMC. He will be allowed for duty after receiving your permission.

DA

- (1) Statement dated 26.8.04
- (2) PMC (issued from  
Pradhan Nagar(Siliguri)  
Date 25.8.2004

Sd/-illegible

Date..... /04

Sr. Section Engineer/In-charge (C & W)  
Siliguri Jn. N.F.Railway

*certified to be  
True copy.*

*h-t.  
Adv.*

Annexure-III

(Type Copy)

N.F.Railway

N.F.-G.40A  
RB-GL-19

No.Leave/C&W/SGW/04

Dated: 13.9.2004

From:SSE/IC/C&W/SGUI  
N.F. Rly.

To DME/NJP  
N.F.Rly.

Sub: Shri Nikhil Ch.Singha Roy, mcm, (APO)/SG

Ref: Your L/No.M/BG/EA/NJP/04(NCR) dt.13.9.04

Reference to the above that as per your instruction, he was directed to Sr.DMO/SGUJ for obtaining DFC through this office L/No.SICK/C & W/SGUJ/04 dt.11.9.2004.

Subsequently, after obtaining DFC/No. dt.11.9.04 (Issued by Sr.DMP/SGUJ, he is hereby directed to you for necessary permission to resume duty.

In this connection. The above DFC/.... along with PMC(Self sickness, issued by the Dr.Anand Sharma/Siliguri, Pradhannagar) are also enclosed herewith for your disposal pleased.

D.A. (i) DFC/47  
(ii) Self PMC dt.25.8.2004

Sd/-illegible  
Sr. Section Engineer/In-charge (C & W)  
Siliguri Jn. N.F.Railway

N.C. ....

.....  
Shri Nikhil Ch.Singha Roy, mcm(APO) Sil  
Is attested

Sd/-illegible  
Sr. Section Engineer/In-charge (C & W)  
Siliguri Jn. N.F.Railway

*certified to be  
True copy.*

*[Signature]*  
Adv.

**Medical Certificate**

This is to certify that Mr/Mrs. Nikhil Ch Singha Roy is/was under my treatment for Ch Angina Pectoris.

from 24.6.2004 to 25.8.2004

He/She is/was advised rest from 24.6.2004 to 25.8.2004

He/She is/fit to resume duty from 26.8.2004

Signature Nikhil Ch Singha Roy  
 (Mr. Nikhil Ch Singha Roy) Dr. Anand O. Chetani  
 Date 25.8.2004

MBBS, MD, FCSEPI, MRSH (Lond)  
 Ex-Army Medical Corps

Anand Medico Clinic, Pradhan Nagar, Singur-734403  
 Regd No. 8307, MCI

25/8/04. ✓

certified to be

True copy.

K. d.

A.D.J.

To,  
The DME/N.F.Rly./NJP

Sir,

Sub : Memorandum

Ref : Your No. M/BG/EA/NJP/2004 (NCR), Dated 20.9.2004.

In reply to your memorandum, I beg most respectfully to state the followings for your favourable consideration please.

That Sir I am a heart patient and suffering from a long time, at times it comes to me in such a position that I could not get time to call a doctor even what to speak of giving information to the honorable local officer in-charge. I attended velore, Perambur Rly Hospital, for my better treatment and Rly medical authority also adviced me to go to perambur Rly Hospital for my better treatment. Here on 24.06.2004 while I feel pain in chest I promptly tried to give information to my officer in-charge thro a messenger, but it was not accepted by the local office and I have been compelled to get help of a private medical practioner and it was continued upto 25.08.2004 and I reported to my officer in-charge on 26.08.2004 by producing private medical certificate supporting the fact and prayed for my joining on duty.

That Sir, on 26.08.2004, the PMC was sent to the DME/NJP by SSE/I/C/C&W/SGUJ vide his letter of even no. dated 26.08.2004. There after on 10.09.2004 DME/NJP adviced SSE/I/C/C&W/SGUJ to direct me for obtain DFC. Accordingly DFC was issued by Sr. DMO/SGUJ and I was allowed to resume duty on 15.09.2004.

That Sir, I was sick from 24.06.2004 to 25.08.2004 and in support of the fact the sick and fit certificate have already been submitted and therefore I was not will fully absenting from my duty and I deny the charge of unauthorised absent.

That Sir, from 26.08.2004 to 14.09.2004 to be treated as on duty, because I reported to the officer of C&W/SGUJ producing sick and fit certificate from private Doctor on 26.08.2004. So, the period from 26.08.2004 to 14.09.2004 dose not arise as unauthorised absent.

That Sir under the above circumstances, I pray to your honour to exonerate me from the charges and for which act of your kindness I shall remain grateful to you, More over I am at the verge of retirement and the date of retirement is knocking at the door.

With highest of regard..

Yours faithfully,

*MCM/SGUJ*

*MCM/APO*

Dated : Siliguri

10-11-2004

*certified to be under SSE/C&W*  
*True copy.*

*K. d.*  
*sd.*

-26-

Annexure no- 11

3

To  
The Divisional Mechanical Engineer,  
N.F.Rly. New-Jalpaiguri.

*(Through proper channel)*

Sir,

Subj: - Appointment of Enquiry Officer/Board of  
Enquiry.

Ref: - Your No. M/EG/EA/NJP/2004 (NCSR) dt. 18.11.2004.

In reply to your memorandum no quoted above, I beg most respectfully to state the followings :-

That it is not fully understood, what is the charge framed against me as stated in para-II of your aforesaid memorandum and that the specific charges are not mentioned there nor any past references.

That the charges/order which I am alleged to have violated were never brought to my notice in terms of GM(P)/MGS letter No. E/172/1 dt. 5-3-1963.

That this representation may not kindly be construed as my reply to the alleged unknown charges, as without knowing the basis on which the charges have been levelled, I shall not be able to understand as to how far I am responsible.

That on hearing from you on the points raised above, the name of the defence council and his consent shall be furnished accordingly on priority basis and also the names of prosecution witness, who shall have to be present in the enquiry for cross examinations on demand.

That I may please be given assistance of a Rly. employee to help me in examining/question documents viz the details of report based on which the charges have been framed or levelled against me. More over an officer from personal branch to be arranged and include in the board of enquiry, unless it will be deemed that the natural justice will be ignored in my case.

With highest of regards,

Yours faithfully,

*W.D. Ch. Sengupta*

Dated 23.11.04

The 23.11.04 Dec./04.

*Certified to be  
True copy.*

*h*

*h*

-27-

Annexure NO- VII.

ANNEXURE VII

37 39

To  
The DME/N.F. Rly/NJP

Through proper Channel

Sir,

Sub: Appointment of Enquiry Officer/Board of Enquiry

Ref: My petition dt. 23/12/04 in <sup>reply</sup> respect to your letter no. M/BG/EA/NJP/2004 (NCSR) dt. 18.11/2004 acknowledged by your SSE/1/C/C&W/SGUJ on 24/12/04.

Kindly refer to my letter mentioned above and let me know the position of the matter (a true copy of the letter is enclosed) and unless your reply is received it will not be possible for me to furnish the name of defence councilor and that the date of enquiry, as fixed <sup>by</sup> the enquiry officer vide his letter dt. 17.2.2005 may kindly be deferred and I shall furnish the name of defence councilor only on hearing from you.

Thanking you.

Dt 18-2-2005

Yours faithfully,

✓ Nikhil Chandra Singha Roy

N.C. Singha Roy

MCM/APO/SGUJ

Encl: 1

Copy to:

1. Shri S.S. Bardhan SLI/NJP, The Enquiry Officer for information and necessary action please. He is to inform that unless the DME/NJP's reply is received, it will not be possible for me to furnish the name of D.C. and as such the date of enquiry may please be ~~attend~~ altered
2. The Secretary, N.F. Rly. Masdoor Union/Siliguri Branch and N.F. Rly. Mazdoor Union NJP/Branch for information. They are requested to look into the matter and take proper action, so that the natural justice is come to light.

11/20  
Sri Nikhil Chandra Singha Roy  
28/2/05  
Encl: 1+1

Dt 18/2/2005

Received  
Jm  
18/02/05

✓ Nikhil Chandra Singha Roy

Sri Nikhil Chandra Singha Roy

MCM/APO/SGUJ

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-28- ANNEXURE NO. VIII  
Regd. Post. with A/D Extra Copy.

N.F.R. - 174 M

Northeast Frontier Railway

Imposition of penalties under items (i), (ii) & (iii) of Rule 1707 (1) and items (i) and (ii) of Rule 1707 (2)  
- RI.

Ref: SR - 9 Under Rule 1716 - RI)

No: M/BG/EA/NJP/2004(NCSR).

Dated: 26/05/2005.

To

Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ.  
Under SSE (IC)/C&W/SGUJ

With reference to the Major Memorandum No: M/BG/EA/NJP/2004 (NCSR) dated: 18/11/2004, the undersigned have gone through the DAR enquiry report against Shri N.C. Singha Roy, MCM (APO)/SGUJ under SSE (IC)/C&W/SGUJ, submitted by Shri S.S. Bardhan, S. LI/NJP (Enquiry Officer) of the case, carefully and the following facts have been surfaced:

The date of enquiry was fixed on 28/02/2005 by EO; Notice of enquiry was received by the delinquent staff on 17/02/2005 under his clear signature.

But Sri N.C. Singha Roy (delinquent) reported sick on 22/02/2005 and subsequently his name was stuck off from sick list by Sr. DMO/SGUJ for his non - attendance, though his residence was only 200 mtrs. away from the Health Unit/SGUJ. This clearly indicates that Sri Roy is evading the DAR enquiry deliberately and still continuing unauthorized absence from duty.

Further it is added that Enquiry Officer had fixed next date of DAR enquiry on 16/05/2005 and Notice for the same was sent through special messenger Shri Datta Prasad, Tech. Gr I/SGUJ under SSE (IC)/C&W/SGUJ, in the residence of Shri Singh Roy and also through postal Dak. But he refused to receive the notice as such.

The Enquiry Officer has left no stone unturned to get appearance of Shri Singha Roy (Delinquent) before enquiry.

However, to complete the DAR enquiry process before retirement of Shri Singha Roy i.e on 31/05/2005, there was no option left except conducting the DAR enquiry EX - PARTE and accordingly EO was advised to proceed with EX - PARTE DAR enquiry, which was completed on 16/05/2005.

The final report was received from Enquiry Officer on 17/05/2005. Wherein the charge leveled against Shri N.C. Singha Roy, MCM (APO)/SGUJ under SSE (IC)/C&W/SGUJ vide Major Memorandum No: M/BG/EA/2004 (NCSR) dated: 18/11/2004 for his unauthorized absence from duty w.e.f 24/06/2004 to 14/09/2004 has been proved all together.

In view of the above, to meet of the end of justice, the undersigned impose a penalty upon Shri N.C. Singha Roy, MCM (APO)/SGUJ under SSE (IC)/C&W/SGUJ' as under:

"Shri Nikhil Chandra Singha Roy, MCM (APO)/SGUJ under SSE (IC)/C&W/SGUJ is hereby removed from service w.e.f 27/05/2005".

Signature : 26/05/05  
Name : A.B. Nandi, (DME/NJP)  
Signature & Designation of the  
Disciplinary Authority

Copy Forwarded for kind information and necessary action to:

DRM (P)/KIR, DRM (M)/KIR, APO/NJP & SSE (IC)/C&W/SGUJ

Instruction

An appeal against those orders lies to Sr. DME/KIR next immediate superior to the authority passing the

certified to be  
True copy.

To  
The Senior Divisional Mechanical Engineer, ✓  
N.F. Railway, Katihar.

Through : DME/NJP (Disciplinary Authority)

Subject : Appeal against imposition of penalty by the Disciplinary authority vide No. M/BG/EA/NJP/2004(NCSR) Dated 26.05.2005 in connection with Major Memorandum (SF/5) No. M/BG/EA/NJP/2004(NCSR) Dated 20.09.2004 for revocation of removal order.

Respected Sir,

Respectfully I Sri Nikhil Chandra Sinha Roy, ex MCM(APO)/C&W/SGUJ under SSE(IC)/C&W beg to draw your kind attention and sympathetically consideration please on the above mentioned reference.

That the reply of the memorandum given on 10.11.2004 stating that I was sick and was not absent unauthorisedly and the period was covered by the Railway Duty Fit certificate issued by the DMO/SGUJ vide his DFC No.47 and self RMC dated 25.08.2004. In this connection I beg to invite your attention to the letter from SSE/IC/C&W/SGUJ vide his No. Leave/C&W/SGUJ/04 dated 13.09.2004 addressed to DME/NJP and according to the order of DME/NJP I was allowed to resume my duty. Naturally I was sick and could not attend duty which was intimated to my incharge by sending my son along with PMC due to severe heart troubles but my incharge denied to accept the said PMC. The said absence was not willfully or unauthorisedly and from 24.06.2004 to 25.08.2004 I was under private Doctor's treatment and also from 26.08.2004 to 14.09.2004 I was under the care of SSE/IC/C&W/SGUJ as such 24.06.2004 to 14.09.2004 to treat unauthorised absent is irregular/illegal.

That Sir, the following irregularities have been noticed :

1. That Sir DME/NJP appointed EO vide No. M/BG/EA/NJP/2004(NCSR) dated 18.11.2004 just after 50 days and on other hand Sri S.S. Bardhan, EO of my charged memorandum had fixed inquiry date on 28.02.2005 after 70 days knowing fully that my retirement was due on 31.05.2005, from this it is proved, there was some ill motive and EO was biased upon me as per advice of SSE/IC/C&W/SGUJ.
2. Standard form/printed as prescribed in the DAR are not used instead of above one computerised form issued in which no signature of DA in original copy, when chargesheet was issued against me. Only DA signed in the place of copy enclosed to me, as such the said chargesheet was not in order, defective and wrong as per DAR 1968. Moreover documents are not enclosed along with the said defective chargesheet as per extant DAR rule 1968.
3. It is a matter of astonishing that without giving reasonable opportunities and justice (NIP) penalty imposed upon me on defective chargesheet. Further chargesheet issuing authority (DA) DME/NJP Sri Bimal Topno transferred from there before taking final decision in this case and the present DME/NJP Sri A.B. Nandy has decided the case and imposed NIP. This actness is also violation of the DAR 1968.

Contd...2

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True copy.



On receipt of the letter from EO dated 17.02.2005 I preferred an appeal to DA (DME)/NJP on 18.02.2005 is a self-explanatory may kindly be seen from my SR. I had no confidence upon Sri S.S. Bardhan, Sr. LI/NJP as because Sri Bardhan is a friend of Sri P.K. Sarkar, SSE/IC/C7W/SGUJ. As such I preferred one appeal on 23.12.2004 claiming one personal branch officer to include in the board of enquiry for the natural justice on the case. It is denial of reasonable opportunity of defence which is required to the charged employee under the extant rule and instructions and it is also a gross violation of the rights provided to such employee under article 311(2) of the constitution of India. Further Sri P.K. Sarkar, SSE/IC/C&W/SGUJ was biased upon me due to some internal family matters as such I am victimised on some conspiracy.

4. That Sir, as per DAR, 1968 : EO will advise charged railway employee to meet him within 10 working days after appointment as EO.
5. EO will allow the charged railway employee 30 days time to collect document and to submit his defence and his Defence Counsel. Then EO will fix for the date for enquiry and advise the charged employee.
6. Exparte enquiry has to be conducted if the charged employee does not submit the statement of defence on time or does not attend the enquiry willfully/deliberately.
7. Request for document will be forward to DA by EO if reasonable, if not reasonable must be informed to charged employee in writing as per DAR-9(15).
8. More chance had not given me to satisfied and to defence myself as such authority denied the reasonable opportunity and thus natural justice is ignored.
9. Charged employee must be informed by DA for appointment of EO enquiry has to conduct exparte enquiry without charged employee (reference rule 9 (9) (b) Rule 9(23)).
10. Denial the opportunity of making representation on the penalty proposed to be imposed before any order is made.
11. Tagging the previous absent period 24.06.2004 to 24.09.2004 as mentioned in the defective chargesheet base on production evidential document by the charged employee allowed to join duty at present it has no relevancy with the present charges as mentioned in the third para of NIP. In this respect Railway Board's guideline communicated by GM/P/NFR vide no. DAC-587/E/74/01/Pt XVI© dated 08.08.2001 are not followed.

The punishment (NIP) removal from service just before 5 days of normal retirement is adversely affected upon the family and family members in regards to FS payment and Pension etc. after 40 years service in the railway.

12. Sri P.K. Sarkar, SSE/IC/C&W/SGUJ direct me NJP/ROH on 27.09.2004 as temporarily vide his No. E/C&W/SGUJ dated 27.09.2004 due to his personal grudge which was not within his purview without obtaining any order from competent authority. He can't did so. I carried the said

Contd.....3

order and joined at NJP. I preferred an appeal on 28.09.2004 and lastly I came back again C&W/SGUJ since then due to constant marking me absent and explanation by the SSE/IC/C&W/SGUJ. I was mentally disturbed and the blood pressure increased and I have been compelled to submit sick report on 22.02.2005 and under the treatment of Sr. DMO/NFR/SGUJ. After a few days Sr. DMO expressed his inability to put me in sick list for more days. Reasons unknown to me and also Sr. DMO advised me to NJP Hospital for indoor admission. But due to communication trouble for my family members I could not accept the said advise and I have tentatively gone under treatment of private practitioner at Siliguri and I was sick till 30.05.2005 and my joining was on the date of my normal retirement.

13. That during my sickness from 22.02.2005 to till 30.05.2005(A/N) my joining was 31.05.2005 but on the same date a postal registered cover came from DME/NJP which I received with the hope that something favourable order and decision will be there, but alas! It is nothing but a removal order w.e.f. 27.05.2005 on the basis of exparte decision of EO, as such I did not find the opportunity to join my duty.

Therefore, under the above circumstances, I pleaded not guilty and pray humbly to your honour for the following relief:

- i) Revocation of the removal order and to arrange re-instatement in service and payment of all dues including pension etc. etc.
- ii) Arrangement of sick period salary by regularising into commuted leave considering normal retirement.

With regards,

DA : One Doctor's certificate, Duty fit certificate on 30.05.2005(A/N)

Yours faithfully,

Dated, Siliguri  
28<sup>th</sup> June, 2005.

*Nikhil Chandra Sinha Roy*  
(NIKHIL CHANDRA SINHA ROY)  
Ex MCM/APO(C&W)/SGUJ

Regd with A/D

From :

Sri Nikhil Ch. Singh Roy  
Asha Purna Sarani by lane  
P.O. - Pradhan Nagar  
Siliguri - 734003.

To

The Sr. DME / N.F. Rly / Katihar

Sir,

Sub : Appeal against imposition of Penalty by the D.A. vide no.  
M/BG/EA/NJP/2004 (NCSR) Dt. 26/5/2005 etc., etc.

Ref : My appeal dated 28<sup>th</sup> June 2005 addressed to  
Sr. DME/N.F. Rly/KIR

Most respectfully, I beg to invite your kind attention to my appeal mentioned above and request your honour to let me know the present position of the case; since a considerable period has been rolled by after submission of my appeal; neither any reply nor my own contribution have been paid as yet.

The appeal was sent to you by registered post from Pradhan Nagar Post Office, which has been acknowledged by your office on 13/7/2005.

With best regards.

Dated Siliguri  
the 5<sup>th</sup> November 2005

Yours faithfully

Nikhil Ch. Singha Roy  
Ex MCM (APO)/C&W/N.F.Rly  
Siliguri Junction.

Copy :

1. Forwarded to the General Manager N.F. Rly, Maligaon, Guwahati - 11 along with a copy of appeal submitted to the Sr. DME/N.F. Rly/ KIR, For his information and necessary action please. The appeal is self explanatory.
2. DME/N.F. Rly/ New Jalpaiguri for information and necessary action please.

Nikhil Ch. Singha Roy  
Ex MCM/APO/under SSE/C&W  
Siliguri Junction.

certified to be  
True copy.

*[Signature]*

4P

From :

Mr. A. Sayed, M.A., LL.B.  
Advocate  
Gauhati High Court  
Guwahati - 1.

Resident :

Barwari, Happyvilla  
Near ICE Factory  
House No. 37  
Guwahati - 3  
Ph. No : 98640-59565

To,

The Divisional Mechanical Engineer  
(Disciplinary Authority)  
N. F. Railway  
New Jalpaiguri.

Dear Sir,

Under instruction of my client Sri Nikhil Ch. Singha Roy MCM/ADD/SGUJ under SSE(LC)/C&W/SGDJ that since the joining my client had been discharging his duty with the satisfaction of all concerned.

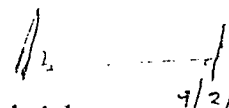
That my client is heart patient and from 26-8-04 to 14-9-04, he was in Serious condition and was treated under a doctor. So he to be treated as on duty from 26-8-04 to 14-9-04, because my client reported to the officer of C&W/SGUJ producing sick and fit certificate from private doctor on 26-8-04. So the period from 26-8-04 to 14-9-04 does not arise as an unauthorised absent as alleged by the DME/NJP. Without giving any reasonable opportunities, my client was removed on 26-5-05 from the service just before the 5 days of his retirement by the DMM/NJP with an ill motive.

That inspite of repeated request from my client, you failed to revoke the removal order dtd. 26-5-05 and to arrange re-instatement in service and release of all dues including pension etc.


That due to non-revocation of the said removal order and non-receipt of all dues including pensionary benefit my client is in acute financial hardship.

In this view of above facts and as per instruction of my client I deemed to revoke the removal order dtd. 26-5-05 and release all dues including pension etc. of my client immediately. Please note that if you not to do so within 15 days from the date of receipt of this notice, I instruct <sup>to</sup> to file suits/case/<sup>proper</sup> forum for realization dues and in that case you are solely liable for costs, compensation and interest also.

Yours faithfully

  
A. Sayed, Advocate  
Guwahati High Court  
Guwahati - 1

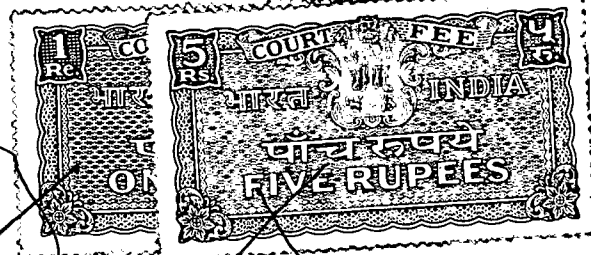
certified to be  
True copy.

  
D.O.

SL. No.

42762

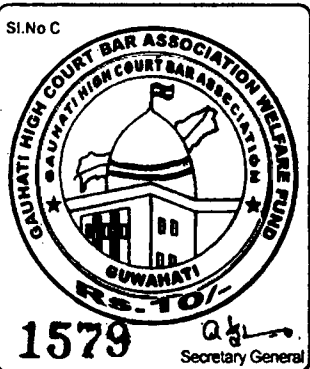
DISTRICT:



# VAKALATNAMA

## IN THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH]



O A NO 67 OF 106

SRI NIKHIL CH. SINHA ROY APPELLANT  
PETITIONER

VERSUS

UNION OF INDIA

RESPONDENT  
OPPOSITE-PARTY

Know all men by these presents that the above named Sri. Nikhil Ch. Sinha Roy do hereby nominate, constitute and appoint Sri/Smti S. C. Biswas, A. Sarma, R. D. H. A. S. M. Das Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 10/11 Day of March 2016.

N. M. LAHIRI (Sr. Adv.)	K.R. PATHAK (Sr. Adv.)	T.C. KHATRI (Sr. Adv.)	R.P. SHARMA (Sr. Adv.)
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J. K. BARUAH (Sr. Adv.)	N.C. DAS (Sr. Adv.)	SAMSUL HUDA	DINDAYAL AGARWALA
ANIL SARMA (Sr. Adv.)	A.K. BHATTACHARYYA (Sr. Adv.)	BHADRESWAR TANTI	KAMAL AGARWAL
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D.K. HAZARIKA (Sr. Adv.)	PRABIN BARTHAHUR (Sr. Adv.)	N.C. PHUKAN	SAILEN MEDHI
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D. K. BHATTACHARYYA (Sr. Adv.)	DIBAKAR GOSWAMI	A.A. MIR	ASHIS DAS GUPTA
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A.K. CHAUDHURI	S. K. BARKATAKI	S.S. SHARMA (Sr. Adv.)	H.A. SARKAR
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A.K. PHOOKAN (Sr. Adv.)	D.C. MAHANTA (Sr. Adv.)	K.K. BHATRA	B. K. JAIN
			NILOY DUTTA (Sr. Adv.)

11  
Nikhil Ch. Sinha Roy

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K.K. DEY	B. DEVA GOSWAMI	D.C. DUTTA	S.M. SARKAR
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NAZRUL ISLAM	MS. AHMEDA BEGUM	P. J. SAIKIA	J.C. BEZ
RAJIB BORUAH	D.C. KATH HAZARIKA	RAJ KR. AGARWALA	BIJAN CHAKRABORTY
SRIKANTA HAZARIKA	MD. MOTIUR RAHMAN	KAMALESH K. GUPTA	A.B. ROY (Sr. Adv.)
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MS. BHUMIKA CHOUDHURY	S.L. JAIN	MS. GOURI SINHA	J.K. MISRA
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MD. ALI SEIKH	BHASKAR J. DUTTA	D.K. GOSWAMI	RAFIQUL ISLAM
B.K. TALUKDAR	MANIK CHANDA	R.K. JOSHI	K.R. SURANA
NISHITENDU CHOUDHURY	K.K. MOUR	D.C. CHETIA	MS. L. CHENTALAPATI
G.P. BHOWMIK	B.B. GOGOI	MD. ABDUL HANNAN	MS. D. DAS ROY
MD. ABDUL HAKIM (I)	ABDUR ROSHID	MD. IQBAL HUSSAIN	ANUPAL DUTTA
UPENDRA NATH DAS	M.R. PATHAK	DEBJIT KR. DAS	P.K. ROYCHOUDHURY
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SANJOY MITRA	P.K. BARMAN	MS. ANUBHA DAS	B. C. TALUKDAR

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 PRABIR CHOUDHURY  
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 RAJESWAR SARMA  
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 TAUHIDUL ISLAM  
 R.D. LAL  
 B.C. CHAKRABARTY  
 MS. SUNITA KERJIAL  
 SUKUMAR CHOUDHURY  
 G.C. PHUKAN  
 N.H. MAZARBHUYAN  
 BIMAN BARUAH (Sr. Adv.)  
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 BASARUDDIN AHMED  
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 MD. ABDUL MALEQUE  
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 PRABIN MAHANTA  
 H.K. MAHANTA  
 M.M. RAY  
 P.K. DAS  
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 MISS. Z. TSIBU KHRO  
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 NILUTPAL BARUA  
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 JAYANTA TALUKDAR  
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 N.K. BARUA  
 B.K. BAISHYA  
 IFTE KHAR AHMED  
 D.C. NATH  
 MS. NILUFAR RAFIQUE  
 ZAFAR IQBAL  
 MS. MEGHAMALA SHARMA  
 AJANTA SARMA  
 ADIL AHMED  
 MS. NANDITA MORAL  
 MS. DEEPANJALEE DAS  
 O.P. BHATI  
 DR (MRS) P. CHAKRABARTY  
 JAINUDDIN AHMED  
 B. KARPUKAYASTHA  
 SIDHARTHA SARMA  
 A.K. DEY

S.K. MEDHI (I)  
 MD. SHAMSUL ISLAM  
 RATUL GOSWAMI  
 JOYRAM SAIKIA  
 BHUMIDHAR BARUAH  
 DEVA KR. SAIKIA  
 PRAN BORA  
 DEBAJYOTI TALUKDAR  
 MS. M.D.G. BARUAH  
 BHABANI PHUKAN  
 RAHMAN ALI  
 DHIRENDRA KR. DAS  
 R. K. BORAH  
 ALOK VERMA  
 HRISHIKESH SARMA  
 A.R. SIKDAR  
 NITYANANDA BARUAH  
 N.K. NATH  
 DR PAUL PETTA  
 MS. ARIFA K. CHOUDHURY  
 D.M. BORDOLOI  
 BHABA KANTA GOSWAMI  
 M.K. GARODIA  
 MRS. R. PHUKAN SAIKIA  
 J. N. SARMA  
 HAMIDUR RAHMAN (I)  
 KAMALESH SHARMA  
 BISWADEV SINHA  
 H.K. DAS  
 B.D. KONWAR  
 T.N. SRINIVASAN  
 DILIP BARUA  
 N.J. DUTTA  
 J. K. BAISHYA  
 MATHEIM LINGGI  
 MS. APARNA DEV  
 AVIJIT ROY  
 KRISHNENDU PAUL  
 HALADHAR KALITA  
 DIBAKAR GOSWAMI (II)  
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 C.R.DAS  
 MS. ANJU TALUKDAR  
 S. P. DEY  
 MRS. INDRANI SARMA (I)  
 MS. BHANU SENAPATI  
 DEBASIS SUR  
 MS. ANURUPA DEY  
 D.C. BORAH  
 R. K. PRADHAN  
 SANTANU BHATTACHARYYA  
 SATYAJEET SHARMA  
 DEBA KR. DAS  
 PRIYATOSH BHATTACHARJEE  
 PARITOSH PURKAYASTHA  
 MS. RINA BHATTACHARYYA  
 DEBAJIT BHATTACHARJEE  
 PRADIP DUTTA ROY  
 M.K. MAJUMDAR  
 B. M. CHOUDHURY  
 SOUMITRA SAIKIA  
 SYED MD. T. CHISTIE  
 DR (MRS.) M. PATHAK  
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 B.W. PHIRA  
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 MANOJ AGARWAL  
 HAREN DAS  
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 ARNAB BISWAS  
 SAHIDA BEGUM  
 MONMOHAN GOSWAMI  
 P.C. CHOUDHURY  
 M.N. NATH  
 MS. UMA CHAKRABORTY  
 MS. JUTHIKA CHAKRABORTY

MS. S. SENAPATI  
 MANAS SARANIA  
 MRS. PRANITA CHOUDHURY  
 DEVASHIS THAKUR  
 MS. Z. ARA BEGUM  
 K.C. SARMA  
 SUMAN CHAKRABARTY  
 ABRAR AHMED  
 MS. SANGHAMITRA DOWERA  
 PRASANTA KHATANIAR  
 ANUP JYOTI SARMA  
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 S.K. TEWARI  
 TAPAN KR. DAS (I)  
 SHAH S. A. RAHMAN  
 PARAG K. DUTTA  
 P.C. BARPUJARI  
 B.N. HAZARIKA  
 R.R. KALITA  
 M.K. SHARMAH  
 B.C. KALITA  
 DR B.U. AHMED  
 M.U. MAHMUD  
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 SASHANKA DASGUPTA  
 RIPUN BORA  
 JAYNAL ABDIN (I)  
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 ANUPAM SARMA  
 KAMESWAR LASKAR  
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 PARITOSH BANIK  
 ARUNABH CHOUDHURY  
 BHASKAR DUTTA  
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 DULAL TALUKDAR  
 C.R. BISWAS  
 BHASKAR KR. SHARMAH  
 A.K. SAIKIA  
 DINESH AGARWAL  
 MS. PANCHALI BHATTACHARYA  
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 GAUTAM SOREN  
 AFSARUDDIN CHOUDHURY  
 JOGEN BORDOLOI  
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 SADHAN KALITA  
 CHINMOY BHATTACHARYYA  
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 R.K. NATH  
 D. J. DUTTA  
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 ABU SAYED

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 ABDUL MANNAF  
 RAGHUNATH PD. ROY  
 NURMOHAMMOD SARKAR

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 MS. N. MEDHI KALITA  
 MANASH GARODIA  
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 MRINALENDU CHOUDHURY  
 DHURVAJYOTI PATHAK  
 KAUSHIK HAZARIKA  
 DILIP BARUAH (II)  
 MD. ABDUL MATLIB  
 RAJIB HAZARIKA  
 NABASHISH GOSWAMI  
 DEBASHISH BATTACHARYA  
 KUMUD CH. BORO  
 NARENDRA NATH JHA  
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 MD. MASUD-UR-RAHMAN HAZARIKA  
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 ROBIN KR. DUTTA  
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 UJJAL KR. GOSWAMI  
 MRINAL KT. NATH  
 DURGA P. MANDAL  
 MISS. NAMITA CHOUDHURY  
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 MISS. IJUMONI THAKURIA  
 ARUN DEV CHOUDHURY  
 NAKUL KALITA  
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 SANDIP BHATTACHARJEE  
 DEBASHISH SAIKIA  
 NANDAN SARKAR  
 SOFIQUR RAHMAN  
 UDAY J. SAIKIA  
 PANKAJ KR. DEKA  
 IMRAN H. LASKAR  
 MS. BANASHREE GOGOI  
 MISS. HIRAMONI DEKA

ISWAR CH. GOGOI  
MISS BIJOYA SINHA  
MD. KURBAN ALI  
SAHIDUL H. SARKAR  
GAUTAM SHARMA  
MISS. ADITI BHATTACHARJEE  
DHRUBA BANIA  
GAUTAM CHAUDHURY  
SATYABRAT DEV SARMA  
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KULAJIT DAS  
MD. ASLAM KHAN (II)  
SAMIUL MUNIR  
SANTANU GOSWAMI  
NARAYAN SHARMA  
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DIBAKAR BORAH  
NARESH MARKANDA  
MRS. MAITREYEE BORAH  
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BAPAN CHOWDHURY  
UTPAL KR. KALITA  
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MS. MANOSHI SHARMA  
MISS. SATYAWATEE KONWAR  
MD. JAKIR H. KHAN  
BIJAN KR. MAHAJAN  
ABHIJIT BHATTACHARJEE (II)  
ARSHAD CHAUDHURY  
PRANAB KR. DAS  
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KHANINDRA LAHKAR  
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PRANJAL DAS  
MS. PANNA SHARMA  
MS. MONALISA KONWAR  
SANDI K. DEORI  
MS. M. CHAKRABORTY  
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MS. PAREE GOGOI  
A. M. BARBHUIYA  
MISS. ARJUMANDA BHANU  
MS. KANGKI BORKATAKI  
BINOY PATHAK  
NITYANANDA UPADHYAYA  
SANJIT SHIL  
MS. JULIE MAHANTA  
MRS. MADHABI SAIKIA  
MISS. BABITA RANI DAS  
SANTANU KR. DAS  
MISS. DOLORINA PATHAK  
SUBHRANGSU DHAR  
PARAMA KUMAR GOGOI  
MISS. GOPA SUTRADHAR  
IKBAL AHMED  
SANJIB GOGOI  
ABHIJIT BHATTACHARYA (III)

SUDIPTO BHATTACHARJEE  
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MS. JAGRITI RAJKUMARI  
KUSH RAM BORA  
MS. DEEPAI KALITA  
DEEPAK BORA  
DIPANKAR PD. BORAH  
RAJESH KR. AGARWAL  
MRS. SACHITRA BORA  
SUJOY GOSWAMI  
RINKU MAHANTA  
JAIDEEP PURKAYASTHA  
ZAKIRUL AHSAN  
MISS. RINKI BISWAS  
MISS. SHABNAM CHETTRY  
MISS. MANASHI CHOUDHURY  
SANTANU RAJ GOGOI  
MISS. SHARMILA DAS  
MRS. RUPREKHA DAS  
MS. ARPITA PAUL  
JOY DAS  
DHRUPAD KASHYAP DAS  
MS. SARMISTHA BARUA  
MRS. PRANITA PATHAK  
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NEERAJANAND  
GITARTHA PATHAK  
SANKAR P. BHATTACHARJEE  
MD. KOHINOOR ISLAM  
SYED MUSFIQUR RAHMAN  
PUSPENDRA KR. MEDHI  
SANJIB KR. SINGHA  
MISS. NILAKSHI GOSWAMI  
MISS. MANISHA SHARMA  
GAUTAM RAHUL  
MS. ANITA VERMA  
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ANIL GOHAIN  
MISS. ANUJITA BORA  
SANJAY KR. SINGH  
SANJIB BARUAH  
MISS. SOBHANA SAIKIA  
MISS. MOON BARUAH  
BRIJESH SHARMA  
MISS. RAKHI PATHAK  
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NABAJIT NARZARY  
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NASIR UDDIN  
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BIJOY CHETIA  
SUBHAJIT BANIK  
SAHADEV DAS  
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MD. A. Q. AKANDA  
PRADIP KR. AGARWALA  
MD. FARID U. BARBHUIYA  
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MRS. SADHANA KALITA  
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MS. ARUNDHATI BORA  
MS. RITAMANI GOSWAMI  
SHUROT ZAMAL SHEIKH  
SUMAN CHETIA  
ALAKESH DEV SARMAH  
RANJIT KR. GOSWAMI  
JAKIR HUSSAIN SAIKIA  
BHUPEN CH. PEGU  
KUNTAL SHARMA PATHAK  
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MISS. ANOWARA MAZUMDAR  
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SHIMANTA NEOGI  
RUPAK DHAR  
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RAJA JOY PHOOKAN  
MANOJ KR. SHARMA (I)  
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MD. ROFIQUL ALOM  
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RATUL DAS  
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MISS. SABINA YASMIN  
KISHORE KR. HAZARIKA  
MOYNUL H. CHOUDHURY (2)  
JONAB ALI AHMED  
BHASKAR NATH  
ALIN SARMA  
KULA PD. GOGOI  
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BIBHASH PATHAK  
MD. JYOTSHNA ALI  
JITU BORAH  
MISS. BABITA DAS (II)  
MISS. RUNMANI DEKA  
MISS. MURCHANA SARMA  
ASHOK KR. BORA  
RANJAN KR. BHARALI  
BIJAY KRISHNA SEN  
MISS. MEDHA LILA GOPE  
DR N. G. GOSWAMI  
KASHEM BHUYAN  
MISS. LIYANA RAHMAN  
M. U. MONDAL  
MISS. PARUL DAS  
JAYABRATA SINHA  
MISS. BIJAYA HAZARIKA  
MISS. SUMITA CHOUDHURY  
DEBAJIT BARUAH  
MISS. DIPANJANA NANDI  
ABDUL KASHIM TALUKDAR  
BIKASH SARAF  
MS. AMVALIKA MEDHI  
BABUL KUMAR DAIMARI  
MISS. IVALINA DEKA  
SANJIB GOSWAMI  
SABYASACHI P. CHOUDHURY  
DEBA KUMAR BORDOLOI  
MANINDRA CHANDRA DAS  
MUL HOQUE AHMED  
BATU KRISHNA BORAH  
MISS. BANDITA DEY  
MISS. JULI GOGOI  
MS. V. N. LASKAR  
MISS. RANJITA VERMA  
HARINARAYAN SARMA

MISS. DIPANJALI DEKA  
MD. ALAM GEER  
NUR ISLAM  
BABUL DEKA  
AJAY KR. PHUKAN  
ATAL TEWARI  
MISS. WAHEEDA REHMAN  
N. UNNI K. NAIR  
NABADIP BAROOAH  
J. A. HASSAN  
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ANJAN KR. DAS  
MISS. JAYA CHANDA  
NITESH BHATRA  
MISS. DOROTHY ROY  
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MISS. LIPIKA TALUKDAR  
MISS. MEGHALI DEHINGIA  
MISS. RIMLY BARUAH  
MS. BIPASHA DAS  
MS. PRANITA DAS  
ABHIJEET KR. BARUAH  
SULTAN AHMED  
MISS. BARNALI BARUAH  
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THANESWAR SARMA  
ASHIM TALUKDAR  
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D. N. BHATTACHARYYA  
MISS. SUDAKSHINA KHANIKAR  
ASHIMANTA GOSWAMI  
ANIL SHARMA BHATRA  
K. R. PATGIRI  
DEBENDRA SAHARIA  
RAJIB SARMA  
MUSTAFA JAMAL QUADIR  
MISS. MANASKANTA BARUAH  
MISS. KAVITA K. JAIN  
TAPAN RANJAN DAS  
TRIDIB KALITA  
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SHYAMAL AICH  
MS. KANIKA SINGHA  
JAGADISH CH. GOGOI  
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HARIBRATA CHANDA  
MUKUT CH. BHATTA  
SUJIT KR. ROY  
RAJU GOSWAMI  
NANI G. KUNDU  
SHEKHAR CHAKRABORTY  
OM P. AGARWAL  
RANABRATA BANERJEE  
MS. SUMITRA SARMA  
MRS. BANDANA DEKA  
TARUN BORA  
MOTI RAJ ADHIKARI  
MISS. SABBINA YASMIN  
BISWAJIT BURAGOHAIN  
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NEEL KAMAL DEV NATH  
MISS. DIPANNITA CHAKRABORTY  
NAZMUL I. MAZARBHUIYA  
PRASANTA HAZARIKA  
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SOURAV SHARMA  
MS. SIMA RANI DEY

MS. SWARNALATA GOSWAMI  
 MAINUL H. BARBHUYAN  
 MUKTI RAM LASKAR  
 MISS BINITA BARUAH  
 RAFICUL ISLAM (II)  
 MISS KAMALA SINGHA  
 MISS ANUPAMA ROY  
 BISWAJIT CHAKRABORTY  
 MD. RAFIKUL ISLAM (III)  
 BINODAN TALUKDAR  
 MISS MINERVA BARTHAUR  
 MISS NITU HAWELIA  
 RAHUL BEZBARUAH  
 ABU NASERUDDIN AHMED  
 SUMIT DAS  
 SANACHOWBA SINGHA  
 YUNUSH AHMED  
 MISS RITA DEVI  
 N. ANIX SINGH  
 BANDAN KR. KAR  
 BIKRAM MALAKAR  
 LALIT KR. MINDA  
 MD. FAJLEY K.R. AHMED  
 AMZAD HUSSAIN  
 PHANINDRA KALITA  
 JITEN PAYENG  
 MS. KABERI DEKA  
 PRADIP KR. KALITA (II)  
 SANTANU BORA  
 KARABI KALITA  
 MISS MANIKA CHOUDHURY  
 MISS RUMA DAS  
 RAFIQUK ISLAM (IV)  
 MASTER SHELIM  
 MRS. SUNITI KALITA  
 MD. NEKIBUDDIN AHMED  
 RAJIB BORPUJARI  
 DIGANTA BARMAN  
 SAMIR DA  
 ABDUL HASHEM KHANDAKER  
 DR TILOK DASGUPTA  
 ASHIM KUAMR BARUAH  
 SANJAY SINGH  
 PRATIM KR. CHAKRABORTY  
 MOHD. INAM UDDIN  
 NEELOTPAL DEKA  
 MS. RUBINA SULTANA  
 PARSWAJYOTI DAS NAIR  
 MS. AYESHA SIDDIKA  
 MS. BHARATI MUKHERJEE  
 MS. MALABIKA P. GOGOI  
 SRAVAN KR. TALUKDAR  
 HIFZUL I. CHOUDHURY  
 SUSHANTA DAS

AMIT JALLAN  
 ISTIAQUE ALAM  
 RAJIB CHAKRABORTY  
 LASHMI N. DIHINGIA  
 RAKESH DUBEY  
 DEVJYOTI CHOUDHURY  
 PRIYANKU SUNDI  
 SUBRATA NATH (II)  
 MISS GITY KALITA  
 ROSHAN MALOO (JAIN)  
 MS. ONTIMA SHARMA  
 TAPAN ROY  
 MOINUL HOQUE ANSARY  
 MD. RAHMAT ALI (II)  
 MISS MARY GOGOI  
 IDRISH CHOUDHURY  
 MS. MINAKSHI BHATTACHARJEE  
 JYOTIRMOY PATOWARY  
 SHEELADITYA  
 MADHURYA MAHANTA  
 MISS SHEHNAZ RASUL  
 RASIDUL HUSSAIN  
 MISS ANJANA SINGHA  
 MD. ABUBAKKAR SIDDIQUE  
 ABDUL AWAL  
 SOHEL ALIM  
 JAHID M. A. CHOUDHURY  
 MISS JULFIYA BEGUM  
 MD. HOSNUL HOQUE  
 TRIDIB BAIDYA  
 SANTANU KR. SARKAR  
 PRASANTA S. DEKA  
 MS. BINITA SWARGIARY  
 MISS SNIGDHA DAS  
 ATANU GANGULY  
 BHARGAV SARMA  
 TALAT H. HAZARIKA  
 DIPAYAN DUTTA  
 GHANASHYAM DAS  
 NAYANJYOTI MEDHI  
 MS. MOON MOON LASKAR  
 DILIP DEY  
 MANOJ KR. SARMA (II)  
 MRS. JENNIFER ZAMAN  
 GURVINDER SINGH SODHI  
 MD. GIASH UDDIN  
 MS. JULIANA RAHMAN  
 MUSTAKIM RAHMAN  
 PRANJAL BORTHAKUR  
 BIPUL KR. DAS  
 ASHOK KR. BORAH (2)  
 MISS PALLAVI TALUKDAR  
 INDRAJEET SHARMA  
 SUKUMAR SARMA

NAYAN JT. SARMA  
 RITU BARNA DEKA  
 MS. MOMITA BARAH  
 MISS LIPIKA DEVI  
 RITURAJ BISWAS  
 MISS SEEMA CHAKRABORTY  
 SATYAJIT K. S. THAKUR  
 DR MATIUR RAHMAN  
 MRS. P. DUTTA BUJARBARUAH  
 AMAL KALITA  
 MS. MANJU AGARWALA  
 MOBARAQUE HUSSAIN  
 PURBADRI BANERJEE  
 MRS. C. BARUAH TALUKDAR  
 ZAKIR HUSSAIN  
 MAZHARUL ISLAM  
 MRIDUL KR. BORAH  
 MRS. NANDITA NATH  
 MISS KALPANA TALUKDAR  
 BHUPEN KUMAR  
 MS. MITALI GOGOI  
 MISS RULI BARUAH  
 DIGBIJOY MANDAL  
 SANTANU PARASHAR  
 MS. MRINALEE BHUYAN  
 SWAPAN KUMAR DAS  
 MS. ALPANA SAIKIA  
 MISS NASHREEN AHMED  
 MISS NILAKSHI BARMAN  
 SAIKH MD. A. PAHLAVI  
 SHAH NEWAJ AHMED  
 MRS. ABHINANDITA CHAKRABARTY  
 MRS. NIBEDITA SARMAH  
 MANASH HALOI  
 MISS SUSMITA KANUNGOE  
 MS. TEENA SHARMA  
 MS. MANISHA SARMAH  
 MISS BIJU RANI KALITA  
 MISS BARASHA DAS  
 SAMUDRAGUPTA DUTTA  
 MISS KABITA GOSWAMI  
 RAJEEB KALITA  
 TRIDEEP BARUAH  
 MS. AFSANA IRFAN  
 MRS. DIKSHA H. BAROOWA  
 MS. TRIPTI PATOWARY  
 KRISHNA KT. DAS  
 NAYAN MONI HAZARIKA  
 ZAKIR HUSSAIN (II)  
 ABDUS S. AKAND  
 MRS. SABINA YESMIN (II)  
 MRIDUL MAHANTA  
 MRS. SONGITA MAHANTA  
 ABDUL GONI

TILAK R. SARKAR  
 MD. BAHARUL ISLAM (II)  
 MOHENDRA DEKA  
 MRS. B. DAS SARKAR  
 JONE KR. SENAPATI  
 IFTIQUER RAFIQUE  
 I. A. SHEIKH  
 MISS ELAKSHI DEKA  
 MD. ABDUL A. ALAMGIR  
 KAMAL K. GOSWAMI  
 BHASKAR JT. DAS  
 BIBEKA NANDA GOGOI  
 DHRUBOJYOTI CHAKRABORTY  
 MS. ARUNDHUTI BARUAH  
 ARUNANGSHU DHAR  
 MS. SHABANA A. CHOWDHURY  
 TAPAN RANJAN DEURI  
 MANOJ KR. SARMA (III)  
 MRIDUPAWAN GOSWAMI  
 AMLAN SARMA  
 MS. MADHURIMA DUTTA  
 AMIT GOYAL  
 DEBASISH SINGHA  
 YADAV P. DAS  
 JAGAT CH. BORAH  
 ANGSHUMAN SARMA  
 MS. TINKU SOM  
 MD. IMRUL HASSAN  
 MS. APARAJITA BHUYAN  
 BHUPEN SARMA  
 BISHWAJYOTI PATHAK  
 AZIM H. LASKAR  
 MRS. SUNITA MEDHI CHOUDHURY  
 RANJAN KR. SAIKIA  
 MS. ANJU AGARWAL  
 MS. JULIE BEGUM  
 RUPAM SARMA  
 K. ENATOLI SEMA  
 JASHADHIR DAS  
 KAJIMUL H. BARUAH  
 MRS. DAISY B. GOGOI  
 UJJWAL KR. DAS  
 DIGANTA SARMA  
 PARTHIV K. GOSWAMI  
 MS. PRITI REKHA BARUAH  
 MS. MANIKA DAS  
 MRS. CHINOO ROY SARKAR  
 MS. USHA DAS  
 MS. BIJITA SARMA  
 MD. SHAFIQUE KHAN  
 SAMEER AHMED  
 BIKASH JAIN

Received from the executant,  
 satisfied and accepted

Advocate

Mr/Ms..... will lead  
 me/us in the case

And Accepted

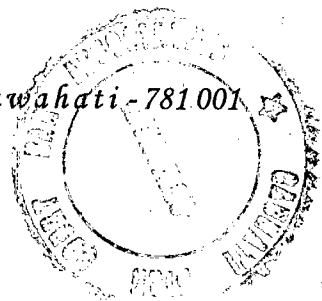
Advocate

And Accepted

Advocate

And Accepted

Advocate



The Central Administrative Tribunal

GHY-

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From,

A. Sengupta, Adv.

To Mr. J. Singh S.C. Railway.

Ref:-

Please find hereunder a copy of joined application which is going to be moved in this Honble Court today.

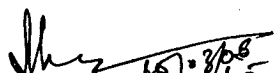
Please accept and acknowledge the same.

Yours faithfully



NOT 3106

Service copy could not be served on the S.C. Railway as he was not available in the CAT. The copy would be served on him in his official chamber today i.e. 10/3/06.

  
Advocate